

**SHB 2404** - S AMD TO HEA COMM AMD (S5589.1) **334**  
By Senator Jacobsen

1 On page 6, after line 33 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 7.** (1) The execution of a retainer agreement  
3 by a provider shall not relieve the provider of its obligations to any  
4 retainer subscriber for the provision of primary care services, nor of  
5 its responsibility for compliance with statutes or regulations. All  
6 individual retainer agreements shall be in writing and available for  
7 review upon request by the commissioner.

8 (2) Each retainer medicine agreement shall contain the following  
9 provisions or variations approved by the commissioner:

10 (a) "{Name of provider} hereby agrees that in no event including,  
11 but not limited to, {provider's} insolvency, or breach of this contract  
12 shall {name of provider} bill, charge, collect a deposit from, seek  
13 compensation, remuneration, or reimbursement from, or have any recourse  
14 against a retainer subscriber or person acting on their behalf for  
15 primary care services provided pursuant to this retainer agreement  
16 other than the retainer fee as authorized by state law."

17 (b) "{Name of provider} agrees, in the event of its insolvency, to  
18 continue to provide the services promised in this retainer agreement to  
19 retainer subscribers for the duration of the period for which retainer  
20 fees were paid to {name of provider}."

21 (c) "{Name of provider} further agrees: (i) That the provisions of  
22 (a) and (b) of this subsection shall survive termination of this  
23 retainer agreement regardless of the cause giving rise to termination  
24 and shall be construed to be for the benefit of retainer subscriber;  
25 and (ii) that this provision supersedes any oral or written contrary  
26 agreement now existing or hereafter entered into between {name of  
27 provider} and retainer subscriber or persons acting on their behalf."

28 (3) Notwithstanding any other provision of law, no provider subject  
29 to the jurisdiction of the state of Washington may prohibit directly or

1 indirectly its retainer subscribers from freely contracting at any time  
2 to obtain any health care services outside the retainer agreement on  
3 any terms or conditions the retainer subscriber chooses.

4 (4) Every retainer agreement shall contain procedures for the fair  
5 resolution of disputes arising out of the contract."

6 Renumber the remaining sections consecutively and correct any  
7 internal references accordingly.

EFFECT: Requires retainer medicine agreements to include hold  
harmless and other contracting provisions.

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